

May 12, 1961

Mr. Joseph Ray Mouer, Secretary
State Board of Barber Examiners
1623 West Adams Street
Phoenix, Arizona

Dear Mr. Mouer:

In your letter of April 14, 1961, you request an opinion from this office regarding the application of Rule 11, Section 32-329(b), to establishments existing prior to the enactment of the proper statute and rule promulgated thereunder.

The pertinent section of the law and the rules on this matter are:

"A.R.S. §32-329.

No barber shop shall be licensed and approved by the board unless:

1. It is located in separate quarters, or if located in less than the whole of a single building, the quarters occupied are separated from the remainder of the building by solid walls reaching from floor to ceiling, but a barber shop and a beauty shop may be located in the same room or quarters.
2. It has running hot and cold water therein.
3. It conforms to and complies with the rules and regulations promulgated by the board."

"A.R.S. §32-353.

The board shall refuse to issue or renew, or shall suspend or revoke, a certificate for any of the following causes:

* * *

9. Violation of a lawful order, rule or regulation of the board."

"Rule 11, Sec. 32-329(b).

An establishment license shall not be issued for any barber shop unless shop is equipped as follows:

Not less than one barber chair, one lavatory with shampoo fixtures, back-bar, regulation mirror, space for linens to be enclosed with an air tight door, one dip and dry sterilizer for each chair."

Concur
BARRY LEVERANT
I Concur
PHIL HAGGERTY ANDY BAUMERT
I Concur
CLARK KENNEDY

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Under the aforementioned rules the Barber Board, in determining whether to grant a renewal of a pre-existing barber shop license, may take into consideration whether the barber shop in question is in violation of any lawful order, rule or regulation of the board. If a shop is in violation, the board shall refuse to issue, or renew a certificate.

Each year, as a barber shop reapplies for a valid license, the board is obligated to pass upon the qualifications of the shop in determining whether to grant a license. If the board finds any establishment to be in violation of any of its rules or regulations, the board may refuse to relicense the shop. By such action the board will in effect cause all shops to conform to the same requirements.

Very truly yours,

ROBERT W. PICKRELL
The Attorney General

BARRY LEVERANT
Assistant Attorney General

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